

SUPER LAW GROUP, LLC

March 31, 2023

VIA ECF

Honorable Denise L. Cote
United States District Court, Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Re: *Riverkeeper, Inc. v. Pascap Co., Inc.*,
Case No. 1:22-cv-02999-DLC
Unopposed Letter Motion to Stay Case Pending Federal Agency Review of
Proposed Consent Decree

Dear Judge Cote,

Super Law Group, LLC, represents Plaintiff Riverkeeper, Inc. in the above-referenced action.

We are writing to inform the Court that Plaintiff and Defendant Pascap Co., Inc. (the "Parties") have reached a settlement, in the form of a proposed Consent Decree, resolving all claims in this action. The settlement is contingent upon the expiration of the federal agencies' 45-day review period required by the Federal Water Pollution Control Act, 33 U.S.C. § 1365(c)(2). In accordance with federal law, no judgment disposing of this action may be entered prior to 45 days following the receipt of the proposed Consent Decree by the United States Department of Justice and the United States Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the parties to provide notice to the court of the 45-day agency review period under 33 U.S.C. § 1365(c)).

The proposed Consent Decree will be executed and mailed to the agencies by April 5, 2023, and the Parties anticipate that the agencies' review period will end approximately by June 4, 2023 (allowing forty-five days for agency review and additional 15 days for mailing time and receipt by the agencies). If any of the reviewing agencies object to the proposed Consent Decree, the parties would request additional time to meet and confer and attempt to resolve the agencies' concerns. At the end of the 45-day review period, the Parties will file a Request for Entry of the Consent Decree.

In light of the settlement and the need to await the conclusion of the required agencies' 45-day review period, the Parties respectfully request that the Court immediately vacate the existing deadlines in this action—including the April 13, 2023 final pretrial conference and the April 24, 2023 trial date—and stay all proceedings in this action until June 5, 2023, by which date the Parties expect to have filed a Request for Entry of the Consent Decree with the Court. Defendant's counsel, Paul Casowitz, Esq., consents to the requested stay.

Granted. The existing deadlines in the Court's scheduling orders are adjourned sine die. A status report is due 6/9/23. The Consent Decree must be provided to the Government Department and Agency by 4/5/23.

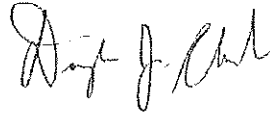
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Denise Cote
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Thank you for the consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. Chermak". The signature is fluid and cursive, with the first name "Douglas" and last name "Chermak" clearly distinguishable.

Douglas J. Chermak
Attorneys for Plaintiffs

Cc: All Counsel of Record (via ECF)